

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-cv-0068-BO

YOLANDA IRVING, individually and as the
natural parent and guardian of J.I., JUWAN
HARRINGTON, CYDNEEA HARRINGTON,
KENYA WALTON individually and as the natural
parent and guardian of R.W., ZIYEL WHITLEY,
DYAMOND WHITLEY, KAMISHA WHITLEY,
NANETTA GRANT as the natural parent and
guardian of Z.G., and
EMANCIPATE NC, INC.,

Plaintiffs,

v.

THE CITY OF RALEIGH, Officer OMAR I.
ABDULLAH, Sergeant WILLIAM ROLFE,
Officer RISHAR PIERRE MONROE, Officer
JULIEN DAVID RATTELADE, and Officer
MEGHAN CAROLINE GAY, Officer DAVID
MEAD, Officer JESUS ORTIZ, Officer KYLE
PERRIN, Officer MICHEAL MOLLERE, Officer
KYLE THOMPSON, Officer VINCENT
DEBONIS, Officer DANIEL TWIDDY, Officer
THOMAS WEBB, Officer DAVID MCDONALD,
Officer DAVID GARNER, Chief of Police
ESTELLA PATTERSON and City Manager
MARCHELL ADAMS-DAVID, in their official
capacities.

Defendants.

MOTION FOR DISALLOWANCE OF DEFENDANTS' BILL OF COSTS

Pursuant to Federal Rule of Civil Procedure 54, and the Court's inherent powers, Plaintiffs move for an entry of an order disallowing Defendants' Bill of Costs. In support of this motion Plaintiff states the following:

1. On August 31, 2022, Plaintiffs filed a second amended complaint ("SAC") against the SEU Defendants, alleging multiple violations of their constitutional rights. D.E. 93.
2. On October 18, 2022, SEU Defendants filed a motion to dismiss claim eight of Plaintiffs' SAC . On March 13, 2023, this Court granted the SEU Defendants' Motion to Dismiss. D.E. 129.
3. On March 27, SEU Defendants filed a Bill of Costs, requesting that the Clerk of Court tax the indigent or near-indigent Plaintiffs a total of \$10,828.49. D.E. 198.
4. On April 10, 2023, Plaintiffs filed a Notice of Appeal of the Court's order dismissing the SEU Defendants. D.E. 217.
5. As explained in the accompanying brief, the Court should disallow Defendants' Bill of Costs because (1) the issue is being appealed, (2) Plaintiffs acted in good faith, (3) Plaintiffs are low income, (4) the costs are excessive or duplicative, and (5) the issue decided was a close one.

WHEREFORE, Defendants respectfully request that the Court enter an order disallowing Defendants' Bill of Costs.

Respectfully submitted, this the 19th day of April.

/s/ Abraham Rubert-Schewel

Abraham Rubert-Schewel

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